

OSVALDO E. FUMO, ESQ.
Nevada bar No. 5956
PITARO & FUMO, CHTD.
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LAS VEGAS, NEVADA 89101
Phone: 702.474.7554
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Attorney for Defendant
KELLY CARN

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
* * *

UNITED STATES OF AMERICA,)	2:13-cr-00346-APG-GWF
)	
)	
Plaintiff,)	
)	STIPULATION AND ORDER TO
v.)	CONTINUE CALENDAR
)	CALL AND TRIAL
)	
KELLY CARN,)	
)	
)	(First Request)
Defendant.)	
_____)	

IT IS HEREBY STIPULATED by and between KELLY CARN Defendant, by and through his counsel OSVALDO E. FUMO, ESQ., and the United States of America, ANDREW DUNCAN, Assistant United States Attorney, that calendar call in the above-captioned matter currently scheduled for March 26, 2014, at the hour of 8:45 a.m., and the trial currently scheduled for March 31, 2014 at the hour of 9:00 a.m., be vacated and continued for ninety (90) days, or to a date and time to be set by this Honorable Court.

This Stipulation is entered into for the following reasons:

1. Defendant is not in custody. Counsel has spoken to defendant and he does not object to the continuance.
2. Counsel has spoken to AUSA Andrew Duncan and he has no objection to the continuance.

3. Counsel for Defendant had a death in his family.
4. Counsel for Defendant needs additional time to adequately prepare for trial.
5. Denial for this request for continuance would deny the parties herein time and the opportunity within which to effectively and thoroughly research and prepare for trial in this case, taking into account the exercise of due diligence.
6. Additionally, denial of this request for continuance would result in a miscarriage of justice.
7. For all the above-stated reasons, the ends of justice would best be served by a continuance of the trial date.
8. The additional time requested by this stipulation, is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. 3161(h)(8) (A), considering the factors under 18 U.S.C. 3161 (h)(8)(B)(i) and 3161 (h)(8)(B)(iv).
9. This is the first request for a continuance of the trial date in this case.

DATED this 20th day of March, 2014.

PITARO & FUMO, CHTD.

DANIEL G BOGDEN
UNITED STATES ATTORNEY

/s/
OSVALDO E FUMO, ESQ.
601 LAS VEGAS BOULEVARD, SOUTH
LAS VEGAS, NEVADA 89101
ATTORNEY FOR DEFENDANT
MICHAEL HUGHES

/s/
ANDREW DUNCAN, ESQ.
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FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds:

This Stipulation is entered into for the following reasons:

1. Defendant is not in custody. Counsel has spoken to defendant and he does not object to the continuance.
2. Counsel has spoken to AUSA Andrew Duncan and he has no objection to the continuance.
3. Counsel for Defendant had a death in his family.
4. Counsel for Defendant needs additional time to adequately prepare for trial.

5. Denial for this request for continuance would deny the parties herein time and the opportunity within which to effectively and thoroughly research and prepare for trial in this case, taking into account the exercise of due diligence.
6. Additionally, denial of this request for continuance would result in a miscarriage of justice.
7. For all the above-stated reasons, the ends of justice would best be served by a continuance of the trial date.
8. The additional time requested by this stipulation, is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. 3161(h)(8) (A), considering the factors under 18 U.S.C. 3161 (h)(8)(B)(i) and 3161 (h)(8)(B)(iv).
9. This is the first request for a continuance of the trial date in this case.

CONCLUSIONS OF LAW

The end of justice served by granting said continuance outweigh the best interest of the public and defendants in a speedy trial since the failure to grant said continuance would likely result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for sentencing taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18 U.S.C. 3161(h)(8) (A), considering the factors under title 18 U.S.C. 3161 (h)(8)(B)(i) and 3161 (h)(8)(B)(iv).

ORDER

IT IS ORDERED that calendar call currently scheduled for March 26, 2014, at the hour of 8:45 a.m., be vacated and continued to July 23, 2014 at 8:45 a.m., Courtroom 6C.

IT IS FURTHER ORDERED that the trial scheduled for March 31, 2014, at the hour of 9:00 a.m., be vacated and continued to July 28, 2014 at 9:00 a.m., Courtroom 6C.

IT IS FURTHER ORDERED that trial briefs, proposed voir dire questions, proposed jury instructions, and of the Government's prospective witnesses shall be submitted to the Court by 12:00 p.m., July 23, 2014.

DATED this 21st of March, 2014.



U.S. DISTRICT JUDGE